

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

DAVID M. PICKETT,

Plaintiff,

v.

DR. EDWARD D. LANCE, *et al.*,

Defendants.

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1:21CV916

ORDER

On July 7, 2023, the Memorandum Opinion and Recommendation of the United States Magistrate Judge was filed with the Court and notice was served on the parties in accordance with 28 U.S.C. § 636(b). (*See* ECF Nos. 35, 36.) Plaintiff filed a “Motion to Continue,” (ECF No. 39), which the Court construes as an objection to the Recommendation. The Court has made a *de novo* determination in accord with the Magistrate Judge’s Recommendation and adopts the Magistrate Judge’s recommendation.¹

¹ Section 636(b) provides that a federal district judge “shall make a *de novo* determination of those portions of the [magistrate judge’s] report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b). Here, while construing Plaintiff’s document as objections, he objects to no specific “findings or recommendations” in the Magistrate Judge’s Recommendation. (*See* ECF No. 39.) Under these circumstances, the Court need not conduct a *de novo* review of the Recommendation. *Littlejohn v. Qaddifi*, Civ. Action No. 7:10-1122-RBH, 2010 WL 2026673, at *1 (D.S.C. May 20, 2010) (unpublished) (concluding that “[t]he district court need not conduct a *de novo* review when a party makes only general and conclusory objections that do not direct the court to a specific error in the [m]agistrate [j]udge’s proposed findings and recommendations” (citing *Orpiano v. Johnson*, 687 F.2d 44, 47-48 (4th Cir. 1982))). Nevertheless, the Court has conducted such a *de novo* review and adopts the Magistrate Judge’s Recommendation.

IT IS THEREFORE ORDERED that Defendants' Amended Motion to Dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, (ECF No. 29), is **GRANTED**, and Plaintiff's claims are dismissed without prejudice.

A judgment dismissing this action will be entered contemporaneously with this Order.

This, the 18th day of September 2023.

/s/ Loreta C. Biggs

United States District Judge